

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES DAVIS, JR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case Number: 08-14561

HON. MARIANNE O. BATTANI

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court having reviewed the Magistrate Judge's Report and Recommendation, (Doc. 9), and no objections having been filed thereto,

IT IS HEREBY ORDERED that the Report and Recommendation is **ADOPTED**. Defendant's Motion for Summary Judgment, (doc. 8), is **GRANTED**, and Plaintiff's Motion for Summary Judgment, (doc. 7), is **DENIED**.

s/Marianne O. Battani

U. S. District Court Judge

Dated: November 20, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt

Case Manager